

THE PATH TO COMPLIANCE

I was recently asked to speak to a group of engineers on the topic of how a licensee can avoid an investigation by this Board's Investigation Committee. The answer is deceptively simple - in fact it is as simple as 1, 2 & 3.

- (1) **Know the laws and rules affecting the practice of engineering and land surveying,**
- (2) **Obey those law and rules, and**
- (3) **Demand the same from others.**

1. Know the Law

The specific laws and rules I am referring to are the engineering and surveying licensing statute (Title 59 O.S. Section 475.1-475.22b), the Board Rules (OAC Title 245) and for land surveyors, the Corner Perpetuation and Filing Act (Title 65 O.S. Sections 3.116-3.123). The laws and rules that regulate our practices and professions evolve, and therefore it is up to each licensee to know the current laws. For example, many years ago our licensing act was amended to remove the provision that allowed licensees to be in responsible charge of a project simply by thoroughly checking a set of engineering or surveying documents. Even though that law has not been in effect for many years, this board frequently prosecutes licensees who are unaware that they are violating the law by not providing enough direct control and personal supervision to maintain responsible charge over projects, even if they are competent in the discipline of engineering and have thoroughly reviewed the plans.

2. Obey the Law

Each of us is responsible for knowing the law, whether or not it has to do with professional licensing. We make conscious choices in our practice every day that demand that we put the protection of the public first in our considerations - even over cost and time demands. That means that you know if you are working on a project in a state, you need to be licensed in that state. You don't offer and practice your profession and then act surprised at the end of the project when it needs to be signed and sealed by a professional licensed in that state.

Another commonly violated rule is that of signing and sealing plans outside of the licensee's area of expertise. The Rules of Professional Conduct require that "Licensees shall undertake assignments only when qualified by education or experience in the specific fields of engineering or land surveying involved." This office is often furnished plans where one engineer has signed the structural, electrical and mechanical sheets. Occasionally the engineer can demonstrate to this Board that he or she has gained the experience or education necessary to practice in all those areas; but the burden is on the engineer to demonstrate that expertise. Many times expediency and cost, not competency, are the only reasons the same engineer signs and seals drawings in multiple disciplines. The Rules of Professional Conduct are there to further define ethical behavior with the goal of protecting the public on each project we undertake. I strongly recommend that you review OAC 245:15-9 Rules of Professional Conduct - in their entirety.



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Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors

The Path to Compliance (cont.)

3. Demand the same from others

Each one of us in the course of our careers has observed someone practicing our professions in a substandard or unethical manner. We may have turned a blind-eye to what we observed, not wanting to be involved, but also not realizing the potential damage to the public or to the reputation of our professions. If our clients, governing officials, architects, contractors and others who use and rely on us see that we are willing to sign and seal plans we did not prepare or were not prepared under our supervision, our professions suffer and the public can be harmed.

So what is our obligation when we observe those kinds of activities? Board Rule 245:15-23-8 makes it clear what our responsibility is as a professional when it states, "When information comes to a licensee, the Board, or its employees concerning alleged misconduct by any person, firm, entity or licensee, whether through formal or informal channels, it shall be the duty of such person, firm, or entity to refer such information to the Director of Enforcement". The decision to turn in a fellow practitioner is difficult and should not be taken lightly, but must be taken to protect the public and to obey the law.

While the official enforcement of state licensing laws and rules must be conducted by this Board, by following our goal of public protection, each individual licensee can and must play a part in holding our peers and ourselves accountable to protect the health, safety and welfare of the public.